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OCT 18 1999

Ms. Magalie R. Salas
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445 Twelfth Street, SW
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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

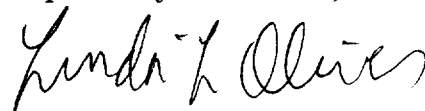
**Re: Calling Party Pays Service Option in the Commercial
Mobile Radio Services, CC Docket No. 97-207**

Dear Ms. Salas:

Pursuant to the FCC's Public Notice FCC 99-137, released July 7, 1999, and as amended by DA 99-1566, released August 6, 1999, enclosed for filing in the above-referenced docket are the original and nine copies of the "Reply Comments of Qwest Communications Corp."

Please contact the undersigned if you have any questions.

Respectfully submitted,



Linda L. Oliver
Counsel for Qwest Communications
Corp.

Enclosures

cc: David Siehl, Policy Division, Wireless Telecommunications Bureau

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**Before the
FEDERAL COMMUNICATIONS COMMISSION**

In the Matter of)	
)	
Calling Party Pays Service Offering)	WT Docket No. 97-207
in the Commercial Mobile Radio Services)	

**REPLY COMMENTS OF
QWEST COMMUNICATIONS CORPORATION**

Qwest Communications Corporation (Qwest) hereby files its reply comments regarding the notice of proposed rulemaking (NPRM) issued July 7, 1999, in the above-captioned proceeding on Calling Party Pays (CPP).^{1/}

I. THE RECORD RAISES MANY QUESTIONS THAT MUST BE RESOLVED BEFORE THE COMMISSION CAN ADOPT CPP.

Commenters in this proceeding raise a broad range of important questions that must be resolved before the Commission can adopt rules to permit the provision of CPP service.

AT&T, for example, raises the need for the Commission to adopt a mechanism under which Commercial Mobile Radio Services (CMRS) providers would compensate other carriers involved in the transmission of CPP calls for the added expenses of handling such calls. ^{2/} In particular, CMRS providers would

^{1/} Calling Party Pays Service Offering in the Commercial Mobile Radio Services, WT Docket No. 997-207, FCC 99-137, Declaratory Ruling and Notice of Proposed Rulemaking (July 7, 1999) ("Declaratory Ruling" or "NPRM").

^{2/} AT&T Comments at 8.

need to provide compensation to interexchange carriers (IXCs) for expenses such as the costs that IXCs incur in terms of holding time during the provision of notification statements. Compensation to IXCs for such costs would be particularly critical when calling parties decide not to complete calls after hearing the notification statements. ^{3/} CMRS providers also would need to provide compensation for any costs that local exchange carriers and IXCs would have to incur in redesigning their networks to suppress billing for CPP calls that are not completed. Finally, CMRS providers would need to compensate IXCs that handle rejected calls but must still pay interstate access charges to the originating caller's local carrier for such calls. ^{4/}

MCI Worldcom raises other important questions. For example, MCI Worldcom points out that the Commission will need to address the issue of CPP calls originating outside of the United States. As MCI Worldcom explains, depending on which CPP model is adopted, terminating CMRS providers may expect to recover their airtime costs from the U.S. international carriers that deliver calls bound for CPP subscribers in the U.S. ^{5/} As a result, U.S. international carriers would be required to pay CMRS providers a higher interconnection charge to terminate international calls to CPP customers than they currently pay for the termination of calls on wireline networks. MCI WorldCom points out that because

^{3/} Id.

^{4/} Id.

^{5/} MCI Comments at 11-12.

international termination rates are set very close to the costs of terminating a call on a wireline network, existing international termination rates would not adequately cover the costs incurred by U.S. international carriers for terminating calls to CPP subscribers. ^{6/} Before adopting a CPP system, the Commission would need to determine how U.S. international carriers would recover the additional airtime charges involved in the termination of international calls to CPP subscribers in the United States.

These are only some of the important issues raised by the record in this proceeding. The Commission will need to carefully address the issues raised by these and other commenters before adopting any CPP system.

II. IXCS SHOULD NOT BE REQUIRED TO PROVIDE BILLING AND COLLECTION FOR CPP SERVICES.

The Personal Communications Industry Association (PCIA) suggests in its comments that IXC's should perform the billing for interexchange calls made to CPP subscribers. ^{7/} This suggestion is meritless. As Qwest made clear in its comments, it would not make sense to require IXC's to provide the billing and collection for CPP services. ^{8/} This is so because even if an IXC might have a relationship with certain calling parties, the IXC does no more than relay the CPP traffic at different points along the chain from the end user to the CPP service

^{6/} Id. at 12-13.

^{7/} PCIA Comments at 51.

^{8/} Qwest Comments at 8.

provider. IXCs may carry portions of a CPP call, but they are not the service providers. It would not make sense as a practical matter, or from an efficiency standpoint, to require IXCs to provide billing and collection for CPP.

III. THE RECORD SUPPORTS THE ADOPTION OF NATIONAL, UNIFORM NOTIFICATION RULES.

Many commenters supported the Commission's tentative conclusion that it should adopt nationwide, uniform notification requirements. ^{9/} As made clear in Qwest's comments, Qwest also supports the adoption of notification rules that are national, uniform, and preemptive. ^{10/} The Commission should not leave the crafting of notification requirements to the states.

There is no question that the states play, and should continue to play, an important role in matters involving consumer protection. However, the existence of different notification rules in different states could create enormous practical problems and subject telecommunications carriers to multiple, potentially inconsistent, requirements. The need to conform to different rules in different states could make the costs of providing CPP notification prohibitive. Such requirements, moreover, might be imposed not just on CMRS providers, but also on other "links in the chain," such as IXCs and local exchange carriers.

^{9/} See, e.g., Airtouch Comments at 4, 39-56; AT&T Comments at 1, 5; US West Comments at 2; CTIA Comments at 3, 10-20; PCIA Comments at 23-30; Sprint Comments at 1, 2-6; NPRM at paras. 33, 34.

^{10/} Qwest Comments at 6-7.

In addition, the Commission has concluded that CPP is a form of CMRS. ^{11/} Accordingly, the Commission has authority under Section 332 of the Communications Act of 1934, as amended, ("the Act") to establish uniform, national rules governing the provision of CPP. ^{12/} Such uniform rules would help make the CPP service successful, protect consumers, and reduce the cost of providing the service.

For these reasons, the only workable approach to the adoption of CPP notification rules is the adoption by the Commission of nationwide, preemptive rules that would be uniformly applicable to all CPP traffic in all states.

IV. IF THE COMMISSION ADOPTS THE "CPP-LIKE" OR "EUROPEAN" MODEL, IT SHOULD PERMIT, BUT NOT REQUIRE, IXCS TO BE CPP SERVICE PROVIDERS.

Qwest takes no position on the merits of the "CPP-Like" (the "European" or "interconnection") model for CPP. If the Commission were to adopt such a model, however, it should permit, but not require, IXCs to provide CPP services. IXCs should be able to choose whether or not to provide CPP services based on market conditions and their particular business plans. Giving IXCs the freedom to choose whether or not to provide CPP would be consistent with the Commission's general goal of minimizing regulatory intervention in the telecommunications service market.

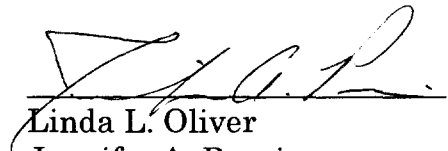
^{11/} Declaratory Ruling at paras. 15-19.

^{12/} 47 U.S.C. § 332; NPRM at para. 36.

CONCLUSION

For the foregoing reasons and the reasons given in Qwest's initial comments, the Commission should: (1) resolve the many issues raised by commenters before adopting any CPP system; (2) make clear that IXC's will not be required to provide billing and collection for CPP services; and (3) adopt national, uniform, preemptive notification rules. In addition, if the Commission adopts the "CPP-Like" or "European" model, the Commission should make clear that IXC's will not be required to provide CPP services if they choose not to do so.

Respectfully submitted,



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October 18, 1999

CERTIFICATE OF SERVICE

I, Barbara E. Clocker, hereby certify that on this 18th day of October, 1999, copies of the foregoing "Reply Comments of Qwest Communications Corp." were served by hand delivery to the following:

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A handwritten signature in black ink, appearing to read "Barbara E. Clocker", written over a horizontal line.

Barbara E. Clocker